

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	x	
BARING INDUSTRIES, INC.,	:	Docket No.: 19-CV-2829 (JGK)
	:	
Plaintiff,	:	
	:	
v.	:	<b>ORDER TO SHOW CAUSE</b>
	:	<b>FOR ENTRY OF DEFAULT</b>
	:	<b><u>JUDGMENT</u></b>
	:	
3 BP PROPERTY OWNER LLC,	:	
DADONG CATERING LLC,	:	
WESTCHESTER FIRE INSURANCE	:	
COMPANY, DONE RIGHT HOOD & FIRE	:	
SAFETY INC., AA JEDSON COMPANY LLC,	:	
	:	
Defendants.	:	
-----	x	

JOHN G. KOELTL, United States District Judge:

On September 15, 2020, the Clerk of the Court entered a Certificate of Default against defendant Done Right Hood & Fire Safety, Inc. (“Done Right”) as to the cross-claim of defendant 3 BP Property Owner LLC (“3 BP Property”). (Dkt. No. 101.) 3 BP Property filed a request to enter a default judgment against Done Right on October 9, 2020. Upon consideration of these documents and the supporting Declaration of Mitchell D. Haddad, Esq., dated October 9, 2020, and the exhibits annexed thereto, it is hereby:

ORDERED that Done Right SHOW CAUSE why a default judgment should not be entered in favor of 3 BP Property on its cross-claim against Done Right, pursuant to Rule 55 of the Federal Rules of Civil Procedure (i) discharging the mechanic’s lien in the amount of \$38,303.99 filed by Done Right with the New York County Clerk (the “Done Right Lien”), against the real property known as the Retail Annex Main Unit and located at 120 West 42nd Street, New York, New York a/k/a Block 994, Lot 1011, on the Tax Map of the City of New York, County of New York (the “Retail Annex Main Unit”); (ii) declaring and adjudging that

Done Right waived and that 3 BP Property has no liability to Done Right in connection with the Done Right Lien; (iii) canceling Bond No. K1530215A issued by defendant Westchester Fire Insurance Company ("Westchester Fire") to bond and to discharge the Done Right Lien ("Done Right Bond") as a lien against the Retail Annex Main Unit; (iv) releasing and discharging Westchester Fire as the surety under and from its obligations under the Done Right Bond; and (v) for such other and further relief which the Court deems just and proper; and it is further

ORDERED, that Done Right shall respond in writing to this Order to Show Cause for a default judgment by 10/21/20. If Done Right fails to respond by that date, judgment may be entered against it and Done Right will have no trial. 3 BP Property may reply by 10/23/20; and it is further

ORDERED, that 3 BP Property shall serve a copy of this Order to Show Cause by 10/14/20 and shall file proof of service by 10/16/20 and it is further

ORDERED, that no personal appearances are required in connection with this Order to Show Cause.

SO ORDERED:

  
HON. JOHN G. KOELTL, U.S.D.J.

Dated: 10/9, 2020

*If Done Right fails to respond to this Order to Show Cause, a default judgment may be entered against Done Right on the cross claim of 3 BP Property in which event Done Right will have no trial.*

*so ordered.  
JG Koeltl  
10/9/20 U.S.D.J.*